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The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

v.

HUAWEI DEVICE CO., LTD., and
HUAWEI DEVICE USA, INC.,

Defendants.

No. 19-CR-010

**DEFENDANTS' MOTION TO FILE
AN OVER-LENGTH MOTION**

**NOTE ON MOTION CALENDAR:
August 1, 2019**

Defendants Huawei Device Co, Ltd. ("Huawei China") and Huawei Device USA, Inc. ("Huawei USA") (collectively "Huawei"), through counsel, respectfully move this Court for leave to file an over-length Motion to Dismiss the Indictment for Selective Prosecution, Or in the Alternative, For Discovery, which it files today along with this motion. Specifically, Huawei requests a nine-page extension of the page limit so that it may file a 21-page motion.

This is Huawei's first request to file an over-length brief. All other pretrial motions and grand jury-related pleadings have complied with the 12-page limit. Leave is appropriate here because Huawei is required to make a "credible showing" that the Indictment is the result of unlawful selective prosecution. *United States v. Armstrong*, 517 U.S. 456, 465 (1996). The additional pages allow Huawei to make that evidentiary showing, and to place the current

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1 prosecution more fully in the context of the government's broader political, economic, and legal
2 offensive against Huawei and other Chinese companies and nationals.

3 **CONCLUSION**

4 For the foregoing reasons, Huawei respectfully requests that the Court grant its motion to
5 file an over-length Motion to Dismiss the Indictment for Selective Prosecution, Or in the
6 Alternative, For Discovery.

7 Respectfully submitted,

8 Dated: August 1, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED: August 1, 2019, at Seattle, Washington.

s/ Vassie Skoulis

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

No. 19-CR-010

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HUAWEI DEVICE CO., LTD., and
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Defendants.

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO FILE
AND OVER-LENGTH BRIEF**

The Court has reviewed Defendants Huawei Device Co., Ltd.’s (“Huawei China”), and Huawei Device USA, Inc.’s (“Huawei USA”) (collectively, “Huawei Device”) Motion to File an Over-Length Brief.

The Motion is granted for the reasons stated by Huawei Device.

IT IS SO ORDERED.

Chief Judge Ricardo S. Martinez